



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

5090
Ser 06CC.DG/190
March 16, 2000

Ms. Triss Chesney
California Environmental Protection Agency
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630-4700

Subj: RESPONSE TO DTSC LETTER DATED FEBRUARY 22, 2000, CONCERNING
RECORD OF DECISION LANGUAGE FOR IR SITES 2 AND 17, MARINE
CORPS AIR STATION EL TORO

Dear Ms. Chesney:

Provided below, are responses to the subject letter. These responses have been discussed and concurred upon in advance, between SWDIV BRAC and DTSC Counsel.

Comment No. 1: The Department of Navy (DoN) intends to pursue consistent language regarding Environmental Restriction Covenants and Agreements in its Records of Decision (RODs) in southern California.

Comment No. 2: DoN concurs with the requested changes.

Comment No. 3: DoN will change the wording to "monitoring equipment, including but not limited to groundwater wells and soil gas migration equipment."

Comment No. 4: DoN concurs and will make the requested changes.

Comment No. 5: DoN will retain the words "in the deed" but they will be followed by "and Environmental Restriction Covenant and Agreement."

Comment No. 6: DoN will retain the words "in the deed" but they will be followed by "and Environmental Restriction Covenant and Agreement."

Comment No. 7: DTSC has agreed that the language that it previously requested be removed will remain in the document.

Comment No. 8: DoN understands that DTSC has requested that all discussion of HSC Section 25355.5 be removed from the ROD. DoN will remove the language as requested.

Comment No. 9: DoN will add the following language on page 7-6 in Section 7.2.1.4 of the ROD at the end of the discussion under the heading Environmental Restriction Covenant and Agreement (Chapters 6.5 and 6.8 of Division...etc.: "HSC 25234 applies to the removal of land use restrictions imposed through an Environmental Restriction Covenant and Agreement between DoN and DTSC by "aggrieved persons" as provided by that statute."

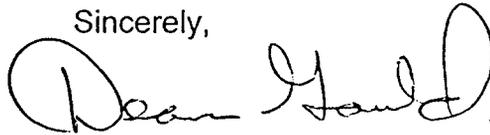
Comment No. 10: DoN accepts Comment No. 10 with the substitution of the words "implemented through" for the words "referenced in the LUC incorporated in"

in the second line of the suggested language and for the words "incorporated into" in the fifth line of the suggested language.

Comment No. 11: DoN will be happy to include a copy of the Memorandum of Agreement (MOA) and attached model Environmental Restriction Covenant and Agreement as an appendix to the ROD if the MOA has been fully executed before the ROD is executed.

Thank you for your assistance in helping to make this a better document. Your input, and the review of counsel, is always welcome, and encouraged to take place as early in the review process as possible. Should you have any questions, please feel free to call me at (619) 532-0784.

Sincerely,

A handwritten signature in black ink that reads "Dean Gould". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke.

DEAN GOULD
Base Realignment and Closure
Environmental Coordinator
By direction of the Commander

Copy to:
Mr. Glenn Kistner, U.S. EPA
Ms. Patricia Hannon, Cal RWQCB, Santa Ana Region